

# United States District Court

EASTERN DISTRICT OF TEXAS

Sherman

UNITED STATES OF AMERICA

V.

DAVID CARL HARVEY

## JUDGMENT IN A CRIMINAL CASE

(For **Revocation** of Probation or Supervised Release)

Case Number: 4:06CR00136-001

USM Number: 13285-078

Denise Benson

Defendant's Attorney

### THE DEFENDANT:

☒ admitted guilt to violation of condition(s) 7, Special, Special, Special of the term of supervision.

☐ was found in violation of condition(s) \_\_\_\_\_ after denial of guilt.

The defendant is adjudicated guilty of these violations:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
7	The defendant will refrain from excessive use of alcohol and will not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.	05/01/2008
Special	The defendant shall reside in a residential reentry center or similar facility, in a prerelease component, for a period of 270 days to commence upon release from confinement and shall observe the rules of that facility.	05/06/2008

The defendant is sentenced as provided in pages 2 through 9 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has not violated condition(s) \_\_\_\_\_ and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Defendant's Soc. Sec. No.: xxx-xx-9609

Defendant's Date of Birth: xx/xx/1976

Defendant's Residence Address:

140 RUSSELL DRIVE  
SULPHUR SPRINGS, TX 75482

7/24/2009

Date of Imposition of Judgment



Signature of Judge

RICHARD A. SCHELL, United States District Judge

UNITED STATES DISTRICT JUDGE

Name and Title of Judge

Defendant's Mailing Address:

140 RUSSELL DRIVE  
SULPHUR SPRINGS, TX 75482

7/30/09

Date

DEFENDANT: DAVID CARL HARVEY  
CASE NUMBER: 4:06CR00136-001

### ADDITIONAL VIOLATIONS

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Concluded</u>
Special	The defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such times as the defendant is released from the program by the program officer.	03/24/2008
Special	David Carl Harvey shall pay restitution in the amount of \$18,835.70. Restitution that remains unpaid when the defendant's supervision commences will be paid on a monthly basis at a rate of at least 10% of the defendant's gross income.	05/01/2008

DEFENDANT: DAVID CARL HARVEY  
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## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of : **14 months**

No supervised release to follow.

☐ The court makes the following recommendations to the Bureau of Prisons:

The court recommends that defendant be designated to FCI Fort Worth, if eligible.

The court recommends that defendant participate in the 500 hour residential drug abuse treatment program.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_ with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: DAVID CARL HARVEY  
CASE NUMBER: 4:06CR00136-001

### CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties under the schedule of payments set forth on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ 100.00	\$ 0.00	\$ 18,835.70

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☒ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
R & K RENTALS	3,000.00	3,000.00	0%
WELLS FARGO BANK	2,859.68	2,859.68	0%
BEST WESTERN INN & SUITES	75.00	75.00	0%
OFFICE MAX	1,234.01	1,234.01	0%
ENTERPRISE RENT-A-CAR	1,237.13	1,237.13	0%
SPRINT PCS	794.96	794.96	0%
ALLIANCE BANK	250.00	250.00	0%
DELL FINANCIAL SERVICES	2,994.73	2,994.73	0%
WESTERN WIRELESS	1,573.67	1,573.67	0%
BANK OF AMERICA, ATTN: L. MCFARLANE	1,252.30	1,252.30	0%
FIRST CHOICE POWER	464.41	464.41	0%
<b>TOTALS</b>	\$ <u>18,835.70</u>	\$ <u>18,835.70</u>	

☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution or a fine more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: DAVID CARL HARVEY

CASE NUMBER: 4:06CR00136-001

ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
TBI BANK OF THE KEYS	3,099.81	3,099.81	0%

\* Findings for the total amount of losses are required by Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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## SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below); or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay.
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

Restitution that remains unpaid when the defendant's supervision commences is to be paid on a monthly basis at a rate of at least 10% of the defendant's gross income, to be changed during supervision, if needed, based on the defendant's changed circumstances, pursuant to 18 U.S.C. Section 3664(k). Additionally, at least 50% of receipts received from gifts, tax returns, inheritances, bonuses, lawsuit awards, and any other receipt of money (to include, but not limited to, gambling proceeds, lottery winnings, and found money) must be paid toward the unpaid fine balance within 15 days of receipt.

Unless the court has expressly ordered otherwise in the special instruction above, if this judgment imposes imprisonment, payment of criminal monetary penalties is to be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to :  
the U.S. District Court, Fine & Restitution Section, P.O. Box 570, Tyler, TX 75710.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Joint and Several Amount and corresponding payee, if appropriate.

Defendant is jointly and severally liable with co-defendants, Jessica Lynn Coulter (2) and Stacy D. Tucker (3), for payment of the restitution set forth herein.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

DEFENDANT: DAVID CARL HARVEY  
CASE NUMBER: 4:06CR00136-001

**ADDITIONAL DEFENDANTS HELD JOINT AND SEVERAL**

<b>Case Number Defendant and Co-Defendant Names (including defendant numbers)</b>	<b><u>Total Amount</u></b>	<b><u>Joint and Several Amount</u></b>	<b><u>Corresponding Payee, if appropriate</u></b>
Defendant DAVID CARL HARVEY 4:06CR00136-001	18,835.70	3,099.81	TBI BANK OF THE KEYS
Defendant DAVID CARL HARVEY 4:06CR00136-001	18,835.70	3,000.00	R & K RENTALS
Defendant DAVID CARL HARVEY 4:06CR00136-001	18,835.70	2,994.73	DELL FINANCIAL SERVICES
Defendant DAVID CARL HARVEY 4:06CR00136-001	18,835.70	2,859.68	WELLS FARGO BANK
Defendant DAVID CARL HARVEY 4:06CR00136-001	18,835.70	1,573.67	WESTERN WIRELESS
Defendant DAVID CARL HARVEY 4:06CR00136-001	18,835.70	1,252.30	BANK OF AMERICA, ATTN: L. MCFARLANE
Defendant DAVID CARL HARVEY 4:06CR00136-001	18,835.70	1,237.13	ENTERPRISE RENT-A-CAR
Defendant DAVID CARL HARVEY 4:06CR00136-001	18,835.70	1,234.01	OFFICE MAX
Defendant DAVID CARL HARVEY 4:06CR00136-001	18,835.70	794.96	SPRINT PCS
Defendant DAVID CARL HARVEY 4:06CR00136-001	18,835.70	464.41	FIRST CHOICE POWER
Defendant DAVID CARL HARVEY 4:06CR00136-001	18,835.70	250.00	ALLIANCE BANK
Defendant DAVID CARL HARVEY 4:06CR00136-001	18,835.70	75.00	BEST WESTERN INN & SUITES
Co-Defendant JESSICA LYNN COULTER 4:06CR00136-002	18,835.70	3,099.81	TBI BANK OF THE KEYS

DEFENDANT: DAVID CARL HARVEY  
CASE NUMBER: 4:06CR00136-001

**ADDITIONAL DEFENDANTS HELD JOINT AND SEVERAL**

<b>Case Number Defendant and Co-Defendant Names (including defendant numbers)</b>	<b><u>Total Amount</u></b>	<b><u>Joint and Several Amount</u></b>	<b><u>Corresponding Payee, if appropriate</u></b>
Co-Defendant JESSICA LYNN COULTER 4:06CR00136-002	18,835.70	3,000.00	R & K RENTALS
Co-Defendant JESSICA LYNN COULTER 4:06CR00136-002	18,835.70	2,994.73	DELL FINANCIAL SERVICES
Co-Defendant JESSICA LYNN COULTER 4:06CR00136-002	18,835.70	2,859.68	WELLS FARGO BANK
Co-Defendant JESSICA LYNN COULTER 4:06CR00136-002	18,835.70	1,573.67	WESTERN WIRELESS
Co-Defendant JESSICA LYNN COULTER 4:06CR00136-002	18,835.70	1,252.30	BANK OF AMERICA, ATTN: L. MCFARLANE
Co-Defendant JESSICA LYNN COULTER 4:06CR00136-002	18,835.70	1,237.13	ENTERPRISE RENT-A-CAR
Co-Defendant JESSICA LYNN COULTER 4:06CR00136-002	18,835.70	1,234.01	OFFICE MAX
Co-Defendant JESSICA LYNN COULTER 4:06CR00136-002	18,835.70	794.96	SPRINT PCS
Co-Defendant JESSICA LYNN COULTER 4:06CR00136-002	18,835.70	464.41	FIRST CHOICE POWER
Co-Defendant JESSICA LYNN COULTER 4:06CR00136-002	18,835.70	250.00	ALLIANCE BANK
Co-Defendant JESSICA LYNN COULTER 4:06CR00136-002	18,835.70	75.00	BEST WESTERN INN & SUITES
Co-Defendant STACY TUCKER 4:06CR00136-003	18,835.70	3,099.81	TBI BANK OF THE KEYS
Co-Defendant STACY TUCKER 4:06CR00136-003	18,835.70	3,000.00	R & K RENTALS



DEFENDANT: DAVID CARL HARVEY  
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**ADDITIONAL DEFENDANTS HELD JOINT AND SEVERAL**

<b>Case Number Defendant and Co-Defendant Names (including defendant numbers)</b>	<b><u>Total Amount</u></b>	<b><u>Joint and Several Amount</u></b>	<b><u>Corresponding Payee, if appropriate</u></b>
Co-Defendant STACY TUCKER 4:06CR00136-003	18,835.70	2,994.73	DELL FINANCIAL SERVICES
Co-Defendant STACY TUCKER 4:06CR00136-003	18,835.70	2,859.68	WELLS FARGO BANK
Co-Defendant STACY TUCKER 4:06CR00136-003	18,835.70	1,573.67	WESTERN WIRELESS
Co-Defendant STACY TUCKER 4:06CR00136-003	18,835.70	1,252.30	BANK OF AMERICA, ATTN: L. MCFARLANE
Co-Defendant STACY TUCKER 4:06CR00136-003	18,835.70	1,237.13	ENTERPRISE RENT-A-CAR
Co-Defendant STACY TUCKER 4:06CR00136-003	18,835.70	1,234.01	OFFICE MAX
Co-Defendant STACY TUCKER 4:06CR00136-003	18,835.70	794.96	SPRINT PCS
Co-Defendant STACY TUCKER 4:06CR00136-003	18,835.70	464.41	FIRST CHOICE POWER
Co-Defendant STACY TUCKER 4:06CR00136-003	18,835.70	250.00	ALLIANCE BANK
Co-Defendant STACY TUCKER 4:06CR00136-003	18,835.70	75.00	BEST WESTERN INN & SUITES